

### **Remarks**

Applicants respectfully request that this Response After Final Action be admitted under 37 C.F.R. § 1.116.

Applicants submit that this Response presents claims in better form for consideration on appeal. Furthermore, applicants believe that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 1, 5, 10, 14, 18 and 22 have been amended. No claims have been canceled. Therefore, claims 1-26 are now presented for examination.

In a final Office Action, claims 1-2, 4-5, 10-12, 14-15, 17-19 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parker (U.S. Patent No. 6,535,949) in view of Garney (U.S. Patent No. 5,412,798). Applicant submits that the present claims are patentable over Parker in view of Garney.

Parker discloses a portable electronic device that includes a log-structured file system implemented in flash memory. The log-structured file system includes a write function for storing contiguous data records to the flash memory. See Parker at Abstract. The flash memory and the log-structured file system stores a plurality of logs of contiguous data records in the flash memory, and reads data from the flash memory using a plurality of memory mapped pointers that point to the individual data records. See Parker at col. 2, ll. 32-36. Parker further discloses that the plurality of memory mapped pointers may be stored in a RAM associated with the portable electronic device. See Parker at col. 3, ll. 18-21.

Garney discloses a system memory for receiving removable system resources. See Garney at Abstract. Garney further discloses that the system memory is reclaimed to accommodate for receiving resources. See Garney at col. 6 ll. 1-2.

Claim 1 of the present application recites reserving space in a flash memory. Parker does not disclose or suggest such a feature. Parker discloses a log-structured file system that includes a write function for storing contiguous data records to a flash memory. However, nowhere in Parker is there disclosed or suggested reserving space in a flash memory. Garney discloses that the system memory is reclaimed. However, Garney fails to disclose or suggest reserving space in a flash memory. Since neither Parker nor Garney disclose or suggest reserving space in a flash memory, any combination of Parker and Garney would not disclose or suggest the feature. Therefore, claim 1 is patentable over Parker in view of Garney.

In addition, in order to establish a *prima facie* case of obviousness: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” *In re Vaech*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure (MPEP), 8<sup>th</sup> Edition, Revision 2, May 2004, §2143. Applicants submit that there is no such motivation to combine Parker and Garney. Parker discloses a portable electronic device having a log-structured file system in flash memory (see Parker at Abstract), and in contrast, Garney discloses a system for enabling access to a device driver residing in memory. See Garney at

Abstract. Accordingly, there is no suggestion or motivation to combine Parker and Garney.

Claims 2-4 depend from claim 1 and include additional features. Thus, claims 2-4 are also patentable over Parker in view of Garney.

Claim 5 recites reserving space in a flash memory. Accordingly, for the reasons described above with respect to claim 1, claim 5 is patentable over Parker. Because claims 6-9 depend from claim 5 and include additional features, claims 6-9 are also patentable over Parker in view of Garney.

Claim 10 recites reserving space in a flash memory. Accordingly, for the reasons described above with respect to claim 1, claim 10 is patentable over Parker. Because claims 11-13 depend from claim 10 and include additional features, claims 10-13 are also patentable over Parker in view of Garney.

Claim 14 recites reserving space in a flash memory. Accordingly, for the reasons described above with respect to claim 1, claim 14 is patentable over Parker. Because claims 15-17 depend from claim 14 and include additional features, claims 15-17 are also patentable over Parker in view of Garney.

Claim 18 recites reserving space in a flash memory. Accordingly, for the reasons described above with respect to claim 1, claim 18 is patentable over Parker. Because claims 19-21 depend from claim 18 and include additional features, claims 19-21 are also patentable over Parker in view of Garney.

Claims 3, 6-8, 13, 16, 20 and 22-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parker and Garney further in view of Lloyd-Jones (EP 0489204).

Applicant submits that the present claims are patentable over Parker and Garney in view of Lloyd-Jones.

Lloyd-Jones discloses a reprogrammable data storage device which includes a host I/O port, a media read/write drive, a data buffer for buffering data flow between the I/O port and the drive, and control and processing electronics. See Lloyd-Jones at Abstract.

However, Lloyd-Jones does not disclose or suggest reserving space in a flash memory, as recited by claim 22. As discussed above, neither Parker nor Garney disclose or suggest such a feature. Since Parker, Garney and Lloyd-Jones do not disclose or suggest reserving space in a flash memory, any combination of Parker, Garney and Lloyd-Jones would not disclose or suggest the feature. Therefore, claim 22 is patentable over Parker in view of Lloyd-Jones.

Claims 23-26 depend from claim 22 and include additional features. Thus, claims 23-26 are also patentable over Parker and Garney in view of Lloyd-Jones.

Claims 9 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parker, Garney and Lloyd-Jones in view of Watanabe et al. (U.S. Patent No. 5,590,306). Applicants submit that the present claims are patentable over Parker, Garney and Lloyd-Jones in view of Watanabe.

Watanabe discloses an IC memory card control system including an IC memory card and an IC memory card control apparatus. The IC memory card is detachably mounted to store therein management information as well as data. The management area of the IC memory card is provided with an identification area into which are written an occupation code indicative of recording of the data in the data area and a recording code

indicative of an abnormal recording of the data in the data area. See Watanabe at Abstract. However, Watanabe does not disclose or suggest reserving space in a flash memory.

As discussed above, Parker, Garney and Lloyd-Jones do not disclose or suggest such a feature. Since Parker, Garney, Lloyd-Jones and Watanabe do not disclose or suggest reserving space in a flash memory, any combination of Parker, Garney, Lloyd-Jones and Watanabe would not disclose or suggest the feature. Therefore, the present claims are patentable over Parker, Garney and Lloyd-Jones in view of Watanabe.

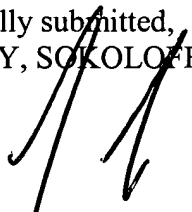
Applicants respectfully submit that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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